

REMARKS

This paper is responsive to an *Official Action* that issue in this case on August 9, 2007. In that *Action*, the Examiner stated that the subject application contains claims directed to three patentably distinct inventions, as follows:

Invention I: claims 1-18.

Invention II: claims 19-27.

Invention III: claim 28.

According to the Examiner, Inventions I and II are related as "process of use" and "product." The Examiner alleges that "the product as claimed can be used in a materially different process of using the product such as a fish finding sonar" and, as a consequence, finds these inventions to be "distinct."

One embodiment of the "product" in question is recited in claim 19, as follows:

An apparatus for testing a transducer having a plurality of transducing elements, comprising:

a projector, wherein said projector generates a sound; and

a mechanical fixture, wherein said fixture aligns said projector with said transducing elements so that said projector can selectively ensonify said transducing elements.

This claim positively recites only two elements: a projector and a mechanical fixture. The fixture is used as an alignment device for aligning the projector to various transducing elements so that the transducing elements can be selectively ensonified.

It is true, of course, that "a projector" is part of a SONAR system. But the claimed "mechanical fixture" is not a part of any SONAR system. To suggest that the product as claimed in claim 19 can be used in a "fish finding sonar," or any sonar for that matter, is to ignore the key element of the claim — the "mechanical fixture."

The point of the mechanical fixture is to direct, to a transducing element that is being tested, sound that is emitted by the projector. No sonar system, whether for fish finding or anything else, would have a mechanical fixture that directs the sound from the projector to a particular transducing element. The use for this apparatus, as recited in the claims, is to test transducers. It is not to be used in conjunction with an operating SONAR system; that

is, with a SONAR that is detecting the presence of objects, *etc.* Rather, the claimed apparatus is used to determine the acoustic center of a transducer.

Therefore, the Examiner's allegation that "the product as claimed can be used in a materially different process of using the product" is incorrect. The Examiner is requested, therefore, to withdraw the restriction requirement as between Inventions I and II.

As is required for a complete response, applicant provisionally elects claims 1-18 for prosecution.

If, in response to this paper, the Examiner withdraws the restriction requirement between claims 1-18 and 19-27, but issues a new two-way restriction between claims 1-27 and claim 28, applicant would choose claims 1-27 for prosecution.

Respectfully,
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